

### **Remarks**

This communication is considered fully responsive to the Office Action. Claims 1-6, 8-10, 12-22, 30, 31, 33, and 34 were examined. Claims 1-6, 8-10, 12-22, 30, 31, 33, and 34 stand rejected. Claims 1, 8, 15, and 30 are amended. No claims are canceled. No new claims have been added. Reexamination and reconsideration of the pending claims are respectfully requested.

### **Amendments**

Applicant believes that the claims as currently amended fairly distinguish over the cited reference. Applicant respectfully invites the Examiner to telephone the below-listed attorney if further amendment is believed to be necessary in order to put the claims in condition for allowance.

### **Claim Rejections - 35 U.S.C. 102(e)**

The Office Action rejected claims 1-6, 8-10, 12-22, and 30-31 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,495,302 to Abruna ("Abruna"). Applicant respectfully traverses this rejection.

Abruna teaches that viewing a TV set from a too-close location is harmful, and that a proximity sensor can be used to disconnect the data input (e.g. antenna, cable and/or RF signal). See e.g., Abstract. In this regard, Abruna discloses a television receiver viewing distance sensor switch. The preferred proximity sensor comprises a

monostatic infrared type sensor and responds to the comparative infrared signature of a human referenced to the ambient background. The sensor generates an electrical output signal which either stimulates or terminates conduction of electric current in an RF relay or solid state switch to connect the incoming VHF/UHF signal for a television receiver so that the TV signal is disconnected when a person is too close to the screen. See Abstract and Background sections.

More specifically in Abruna, a relay 46 controls the UHF/VHF signal. For example, at column 6, lines 37-43, a sensor 14 detects a person within range, and the relay changes state, opening the circuit to the incoming signal (UHF/VHF). Time delays are discussed by Abruna, which function to prevent “false alarms,” that is, to prevent cutting off the signal for a momentary movement into the zone near the TV (see column 7, lines 29-40 for a discussion of the 555 timer, etc.).

Claim 1 is amended to recite “controlling at least one user-perceptible output of the processing system based, at least in part, on said signal, wherein said act of controlling comprises providing electrical power to the processing system when a user is detected after a period electrical power is turned off and when no user had been detected” (emphasis added). Applicant does not believe Abruna discloses at least these recitations.

Instead, Abruna discloses switching in and out the UHF/VHF signal by operation of relay 46 (see, for example, column 6, at lines 33-43.). As noted by Abruna, this does not provide electrical power to the TV set. Instead, if the signal is cut off, the user sees “snow” (column 3, lines 19-24). Thus, the “snow” results not from powering up or down, but from a loss of signal (antenna) to the TV set.

The Office Action cited to col. 7, lines 20-50 as “powering-up at least a portion of the processing system.” Applicant cannot find any language here which would read on “powering-up”. In any event, Applicant cannot find any language here which would read on the amended recitation of “providing electrical power.”

Claim 1 is also amended to recite “when a user is detected when electrical power had been turned off and when no user had been detected.” Applicant does not believe these recitations are disclosed by Abruna. Indeed, this is precisely the opposite of what Abruna discloses.

Abruna discloses timing the period wherein the person is being detected (as opposed to ‘is not being detected’). At column 7, lines 29-39, Abruna discloses that there is a timer 555 provided in order to keep the relay from cutting off the signal if someone walks briefly in front of the TV. That is, Abruna wants to cut off the antenna if someone attempts to watch TV too close to the TV set, but does not want to cut off the antenna if someone briefly passes near the TV set. Thus, someone must be in ‘view’ of sensor 14 for a threshold period of time before the device 46 switches off the signal to the TV set. Thus, Abruna discloses timing a period for maintaining the signal to the TV even if the user is in front of the TV set. In contrast, the Applicant’s claim 1 recites when a user is detected when electrical power had been turned off and when no user had been detected. If power to the TV set was turned off in Abruna, there would be no need to interrupt the TV signal.

Accordingly, the Applicant respectfully submits that Abruna fails to show or disclose, “wherein said act of controlling comprises powering-up at least a portion of the

processing system when a user is detected after a period when no user had been detected". Thus, the Applicant respectfully requests that the Office remove the Section 102 rejection of Claim 1, as amended.

For at least the foregoing reasons claim 1 is believed to be allowable over the cited references and Applicant respectfully requests withdrawal of the rejection of claim 1.

Claims 2-6 depend from claim 1, which is believed to be allowable. Therefore, claims 2-6 are also believed to be allowable for at least the same reasons as claim 1. Withdrawal of the rejection of claims 2-6 is respectfully requested.

Claim 8 is amended to include similar recitations as claim 1, and therefore is also believed to be allowable for the same reasons just discussed.

Claims 9-10 and 12-14 depend from claim 8, which is believed to be allowable. Therefore, claims 9-10 and 12-14 are also believed to be allowable for at least the same reasons as claim 8. Withdrawal of the rejection of claims 9-10 and 12-14 is respectfully requested.

Claim 15 is amended to include similar recitations as claim 1, and therefore is also believed to be allowable for the same reasons just discussed.

Claims 16-19 and 21-22 depend from claim 15, which is believed to be allowable. Therefore, claims 16-19 and 21-22 are also believed to be allowable for at least the same reasons as claim 15. Withdrawal of the rejection of claims 16-19 and 21-22 is respectfully requested.

Claim 30 is amended to include similar recitations as claim 1, and therefore is also believed to be allowable for the same reasons just discussed.

Claim 31 depends from claim 30, which is believed to be allowable. Therefore, claim 31 is also believed to be allowable for at least the same reasons as claim 30. Withdrawal of the rejection of claim 31 is respectfully requested.

**Claim Rejections - 35 U.S.C. 103(a)**

The Office Action rejected claims 20 and 33-34 under 35 U.S.C. 103(a) as being unpatentable over Abruna. Applicant respectfully traverses this rejection.

Claim 20 depends from claim 15, which is believed to be allowable. Therefore, claim 20 is also believed to be allowable for at least the same reasons as claim 15. Withdrawal of the rejection of claim 31 is respectfully requested.

Claims 33-34 depend from claim 30, which is believed to be allowable. Therefore, claims 33-34 are also believed to be allowable for at least the same reasons as claim 30. Withdrawal of the rejection of claims 33-34 is respectfully requested.

**Conclusion**

The Applicant respectfully requests that a timely Notice of Allowance be issued in this matter.

Respectfully Submitted,

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By: \_\_\_\_\_

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